

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**UNITED STATES OF AMERICA,**

Plaintiff,

**Case No. 05-CR-325**

**v.**

**MARIA FREGOSO-BONILLA and  
HERMALINDA VALLE-FREGOSO,**

Defendants.

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**ORDER ON THE DEFENDANT'S MOTION TO VACATE THE  
PRETRIAL SCHEDULING ORDER**

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On January 18, 2006, the court granted the defendants' joint motion for an extension of the pretrial motion deadline. The extension was needed so that the defendants would have time to review additional discovery materials that the government intended to produce.

On January 30, 2006, the government requested a second extension of the pretrial motion schedule. As grounds, counsel for the government indicated that the Bureau of Immigration and Customs Enforcement Agent assigned to this case suffered a duty-related injury and would not return to service for two weeks. Thus, the case agent was unable to obtain the additional discovery or consult with counsel for the government as originally contemplated. The court granted the government's request for extension, ordering the defendants to file their pretrial motions no later than March 1, 2006.

On February 28, 2006, the defendants filed a third motion for extension of the pretrial briefing schedule. The defendants submit that the case agent assigned to this case remains in serious condition and has not been able to assist the government with its discovery disclosures. In addition, the defendants state that some of the discovery is located in Utah, where the government is pursuing a related criminal case. By the government's estimation, it will not be able to produce the additional discovery until March 8, 2006 at the earliest. Accordingly, the defendants ask that the pretrial motion deadline be postponed until after the status conference scheduled for March 10, 2006.

While the court certainly cannot fault the government for the lead case agent's injury, prosecution of this case cannot come to a halt while the agent is recovering. The government has not indicated other methods it utilized to procure the discovery that is needed. However, to avoid excessive rescheduling in this case, and in light of the parties' agreement that the defendants' pretrial motions should be addressed at the March 10, 2006 scheduling conference, the court hereby **grants** the defendants' motion to vacate the pretrial scheduling order. The parties shall file a status report with this court no later than **March 13, 2006**, and a new scheduling order will be issued thereafter.

SO ORDERED.

Dated at Milwaukee, Wisconsin this 1st day of March, 2006.

s/AARON E. GOODSTEIN  
United States Magistrate Judge